

Law Office of Nora J. Chorover

nchorover@choroverlaw.com

August 30, 2016

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SEP - 8 2016

OFFICE OF THE REGIONAL ADMINISTRATOR

**BY CERTIFIED MAIL**

John L. Fletcher, President  
W.J. Graves Construction Co., Inc.  
91 Walnut Street,  
Baldwinville, Massachusetts 01436  
Certified Mail #: 7014 3490 0000 7429 9296

James L. Fletcher, Registered Agent  
W.J. Graves Construction Co., Inc.  
192 Depot Road P.O. Box 401  
East Templeton, MA 01438  
Certified Mail #: 7014 3490 0000 7429 9302

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance with  
Federal Clean Water Act's Industrial Stormwater Discharge Requirements:  
192 Depot Road, Templeton, MA 04468

Dear Sirs,

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts. The federal Clean Water Act (the "Act") contains a "citizen suit" provision that gives an organization such as Clean Water Action the right, under certain circumstances, to enforce the requirements of the Act in the interest of its members. Stormwater is a significant source of water quality problems in the nation's waters. For this reason, Clean Water Action has a program of investigating and enforcing compliance with the Act's stormwater requirements state-wide. This program advances the organization's mission of improving water quality by achieving more wide-spread compliance with the Act's stormwater requirements in Massachusetts.

11 Green Street  
Boston, MA 02130  
617.477.3550  
nchorover@choroverlaw.com

According to our research, W.J. Graves Construction Co., Inc. (“Graves”) operates a mineral mining and dressing facility at 192 Depot Road, Templeton, Massachusetts (the “Facility”). Based on our own direct observations, as well as our review of publicly available documents, aerial photographs, and topographic maps, stormwater coming into contact with Graves’ industrial materials runs off the Facility and into the Otter River, either directly or through the town’s municipal storm drain system. It is also evident that industrial materials themselves are being discharged directly into the Otter River on the east side of the Facility. Additionally, stormwater may be being discharged into wetlands on the southeast corner of the Facility that are hydrologically connected to the Otter River. Clean Water Action was able to document several locations where runoff occurs by observing the Facility from public roads or publicly accessible areas around the Facility. Attached to this letter are photographs from at least two locations at which unauthorized discharges occur. In light of the topography at the Facility, there are likely several other areas this occurs.

As a company engaged in the practice of mineral mining and dressing, Graves is required to comply with the Act’s stormwater requirements, including the requirement to apply for and comply with the terms of EPA’s Multi-Sector General Permit for Stormwater Discharges (the “Permit”). However, Graves has been operating the Facility without obtaining coverage under this permit and the company is not currently complying with the Permit’s terms.

We are writing to notify you that Clean Water Action is invoking the citizen suit provision of the Act to address these violations. This formal 60-day notice of intent to sue is being served pursuant to 40 C.F.R., Part 135. The citizen suit provision allows Clean Water Action to bring a civil action against Graves in the United States District Court for the District of Massachusetts. Clean Water Action will ask the Court to ensure Graves’ future compliance with the Act, assess civil penalties in an appropriate amount,<sup>1</sup> award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

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<sup>1</sup> The Statute authorizes the Court to assess a penalty of *up to* \$37,500 a day for each violation. See 33 U.S.C. § 1319(d) and 78 Fed. Reg. 66647 (Nov. 6, 2013).

W.J. Graves Construction Co., Inc.  
August 30, 2016  
Page 3

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director  
Clean Water Action  
88 Broad Street, Lower Level  
Boston, MA 02110  
(617) 338-8131  
(617) 335-6449 (fax)

Counsel for Clean Water Action in this case is:

Nora J. Chorover  
Law Office of Nora J. Chorover  
11 Green Street  
Boston, MA 02130  
617-477-3550

## **GRAVES' VIOLATIONS AND DATES OF VIOLATIONS**

### **A. THE REQUIREMENTS OF THE ACT**

#### **1. Pollutant Discharges without a Permit are Illegal.**

The Clean Water Act makes the discharge of pollution into waters of the United States unlawful unless the discharge is in compliance with certain statutory requirements, including the requirement that the discharge be permitted by the federal Environmental Protection Agency ("EPA") under the National Discharge Elimination System ("NPDES").

#### **2. Mineral Mining and Dressing Facilities Must Comply with EPA's General Industrial Stormwater Permit.**

In order to minimize polluted stormwater discharges from certain categories of industrial facilities, EPA has issued a general industrial stormwater permit (the "Permit").<sup>2</sup> Mineral mining and dressing facilities are subject to the requirements of this Permit.<sup>3</sup> Mineral mining and dressing facilities that carry on other types of activities also subject to the requirements of the

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<sup>2</sup> The General Permit was first issued in 1995 and most recently reissued in June 2015 in substantially similar form. See 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008), and reissued in 2015 pursuant to 80 Fed. Reg. 34403 (June 4, 2015).

<sup>3</sup> Permit, Appendix D, pg. D-3.

Permit must also comply with any sector-specific requirements for such co-located industrial activity.<sup>4</sup>

3. Mineral Mining and Dressing Facilities Must Develop and Implement a Stormwater Pollution Prevention Plan ("SWPPP").

An owner or operator (hereafter referred to as "operator") of a Facility subject to the requirements of the Permit must prepare a SWPPP before being authorized to discharge under the Permit.<sup>5</sup> The SWPPP must be "prepared in accordance with good engineering practices"<sup>6</sup> and, among other things,

- identify potential sources of pollution at the facility;<sup>7</sup>
- describe and ensure implementation of control measures that are technologically available and economically practicable and achievable in light of best industry practice;<sup>8</sup> and
- set forth specific procedures to assure compliance with effluent limitations and monitoring/inspection requirements of the Permit.<sup>9</sup>

4. Mineral Mining and Dressing Facilities Must Submit to EPA a Notice of Intent to be covered by the Permit By EPA's Established Deadlines.

After completing and implementing its SWPPP,<sup>10</sup> a mineral mining and dressing facility must submit to EPA a Notice of Intent ("NOI") to be covered by the Permit. EPA's initial NOI filing deadline was January 1, 1996.<sup>11</sup> When the agency reissued the Permit in 2015, it reminded operators of subject facilities that unpermitted stormwater discharges are "unauthorized," and ordered all subject facilities to file an NOI for the 2015 permit by September 2, 2015.<sup>12</sup>

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<sup>4</sup> Permit, pg. 101-114

<sup>5</sup> Permit, Section 5 and Section 8.J.6

<sup>6</sup> Permit, pg. 30 (referring to "control measures").

<sup>7</sup> Permit, pgs. 32-33.

<sup>8</sup> Permit, pgs. 14, 33-34.

<sup>9</sup> Permit, pgs. 34-36.

<sup>10</sup> Permit, pg. 30 ("You must prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage.").

<sup>11</sup> See 60 Fed. Reg. 50804.

<sup>12</sup> Permit, pg. 10 (unpermitted discharges from the facility will continue to be "unauthorized" unless allowed under the Permit). See also 40 C.F.R. §122.28(b)(2)(i) ("A discharger ... who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge ....").

5. Mineral Mining and Dressing Facilities Must Comply with the Terms of the Permit.

The Permit requires mineral mining and dressing facilities to, among other things:

- a. ensure that stormwater discharges meet applicable water quality standards;<sup>13</sup>
- b. reduce and/or eliminate pollutants to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice;<sup>14</sup>
- c. implement specific best management practices set forth in the Permit for mineral mining and dressing facilities;<sup>15</sup>
- d. monitor stormwater discharges for compliance with benchmark limitations applicable to mineral mining and dressing facilities;<sup>16</sup>
- e. perform regular facility and stormwater inspections;<sup>17</sup>
- f. report on monitoring and inspections to EPA by specified deadlines;<sup>18</sup> and
- g. comply with those permit conditions applicable to permittees in Massachusetts, including but not limited to
  - i. submission of monitoring results to the Regional Office of the Massachusetts Department of Environmental Protection ("MADEP") for the MADEP Region in which the facility is located, where the monitoring identifies exceedences of any effluent limits or benchmarks for which monitoring is required under the Permit, and
  - ii. where effluent limits and/or benchmarks are exceeded, submission to the MADEP Regional Office of any follow-up monitoring and a description of the corrective actions required and undertaken to meet those effluent limits and/or benchmarks.<sup>19</sup>

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<sup>13</sup> Permit, pg. 20 ("Your discharge must be controlled as necessary to meet applicable water quality standards.").

<sup>14</sup> Permit, pg. 14.

<sup>15</sup> Permit, pg. 101-114

<sup>16</sup> Permit, pg. 113-114 Graves was required to monitor for Nitrate plus Nitrite Nitrogen and Total Suspended Solids. To the extent that Graves conducted any mine dewatering at its Facility, then it was also required to conduct monitoring of the dewatering discharges' pH level to ensure compliance with the applicable effluent limitation. See Permit, page 114.

<sup>17</sup> Permit, pgs. 22-26.

<sup>18</sup> Permit, pgs. 47-51.

<sup>19</sup> Permit, pgs. 170-171.

**B. GRAVES' VIOLATIONS AND DATES OF VIOLATIONS**

Clean Water Action's complaint will address violations that occurred during the last five years.

**1. Violations that Have Occurred on Specific Days During the Last Five Years:  
Discharges of Stormwater from the Facility Without a NPDES permit**

Graves' violations of the Act's prohibition against unpermitted polluted stormwater discharges occurred and are continuing to occur at the Facility each time rain, snow melt or another factor results in industrial stormwater discharges from the Facility to waters of the United States (See, e.g., attached photos). The days during the last five years on which rain, snow melt or other factors caused stormwater to be discharged from the Facility to waters of the United States are listed on Exhibit A hereto. Clean Water Action's complaint will also address any non-permitted stormwater discharge violations that occurred or occur between the last date listed on Exhibit A, and the date on which the complaint is filed.

**2. Violations that Have Occurred on Each Day During the Last Five Years:<sup>20</sup>**

The following violations of the Act are set forth on Exhibit B. These violations have occurred on a daily basis for the last five years and they are continuing to occur.

- a. Unauthorized discharges of industrial material into the Otter River (see e.g., photos number one and two)
- b. failure to prepare and implement a SWPPP;
- c. failure to submit a NOI to be covered by the Permit;
- d. failure to ensure that stormwater discharges from the facility will not cause or have the reasonable potential to cause or contribute to a violation of water quality standards;
- e. failure to implement adequate control measures;
- f. failure to monitor for compliance with benchmark limitations;
- g. failure to report monitoring results for the facility to EPA by the specific deadlines;
- h. failure to perform annual comprehensive site inspections, and
- i. failure to complete and submit annual reports.

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<sup>20</sup> Clean Water Action believes that the violations set forth in this Section B.2 have occurred on each day of the last five years, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through July 30, 2016 are set forth on Exhibit A hereto. The complaint, when filed, will set forth additional rain dates since July 30, 2016.

W.J. Graves Construction Co., Inc.  
August 30, 2016  
Page 7

To the extent that Graves is carrying out any other industrial activity at the Facility which is also subject to the requirements of the Permit, then Graves' failure to comply with the Permit requirements for such co-located activities is also a violation of the Clean Water Act.

**CONCLUSION**

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. As discussed above, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation should you have your attorney contact us sufficiently in advance of the end of the 60-day notice period.

Sincerely,



Nora J. Chorover  
Attorney for  
CLEAN WATER ACTION

cc: (by certified mail)

Curt Spalding, Regional Administrator  
EPA New England, Region 1,  
5 Post Office Square, Ste. 100  
Boston MA 02109  
Certified Mail # 7014 3490 0000 7429 9272

Gina McCarthy, Administrator  
US EPA Headquarters, Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Washington, DC 2046  
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Martin Suuberg, Commissioner  
Massachusetts Department of Environmental  
Protection  
One Winter Street  
Boston, MA 02108  
Certified Mail # 7014 3490 0000 7429 9197

**Photographs of Observed Locations of Unmonitored/Uncontrolled  
Stormwater Discharge**

**Photograph One:**



[East side of Graves Facility, photographed from Cummings Conservation Area], date: [07.26.2016]



W.J. Graves Construction Co., Inc.  
August 30, 2016  
Page 9

**Photograph Two:**



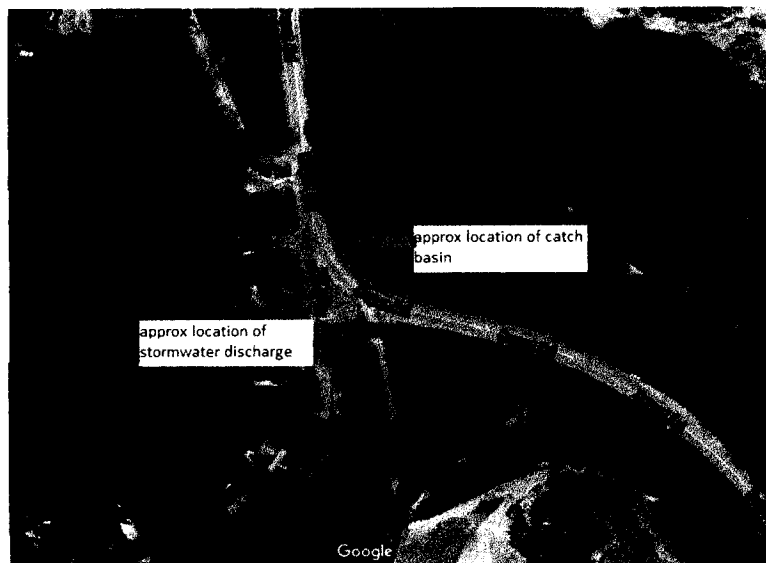
[East side of Graves Facility, photographed from Cummings Conservation Area], date: [07.26.2016]

**Photographs Three and Four:**

Observed location of unmonitored/uncontrolled stormwater discharge: near corner of Depot Road and Otter River Road



[Google Street View: Provided by Clean Water Action as illustration of location only]



[Google Earth: Provided by Clean Water Action as illustration of location only]

**EXHIBIT A**

DAYS BETWEEN  
SEPTEMBER 1, 2011 AND JULY 30, 2016  
ON WHICH STORMWATER FROM FACILITY  
DISCHARGED TO WATERS OF THE UNITED STATES

September 2011:	6, 7, 8, 9, 16, 21, 22, 23, 24, 29, 30
October 2011:	1, 2, 4, 5, 15, 20, 25, 27, 28, 30
November 2011:	11, 17, 23, 30
December 2011:	7, 8, 16, 22, 23, 28
January 2012:	1, 2, 13, 14, 18, 20, 22, 24, 27, 28
February 2012:	25
March 2012:	1, 3, 14, 17
April 2012:	16, 23, 27
May 2012:	1, 2, 3, 8, 9, 10, 15, 16, 17, 24, 30
June 2012:	2, 3, 5, 6, 7, 13, 14, 24, 26
July 2012:	4, 24, 28, 29
August 2012:	6, 11, 12, 15, 16, 28, 29
September 2012:	5, 9, 19, 23, 28, 29
October 2012:	3, 7, 15, 16, 20, 30, 31
November 2012:	13, 14
December 2012:	3, 8, 9, 10, 17, 18, 21, 22, 27, 28, 30
January 2013:	12, 16, 17, 29, 30, 31
February 2013:	1, 9, 10, 12, 20, 24, 25, 27, 28
March 2013:	8, 9, 13, 16, 19, 20
April 2013:	1, 10, 11, 13, 20
May 2013:	9, 10, 12, 16, 20, 22, 23, 24, 25, 26, 29, 30
June 2013:	7, 8, 11, 12, 14, 18, 19, 25, 28, 29
July 2013:	2, 11, 23, 24, 26
August 2013:	2, 10, 14, 27, 29
September 2013:	1, 2, 11, 12, 13, 22
October 2013:	5, 6, 7, 8, 18
November 2013:	1, 2, 8, 18, 27, 28
December 2013:	7, 10, 15, 18, 24, 30
January 2014:	2, 3, 6, 7, 12, 15, 19
February 2014:	5, 6, 14, 16, 19, 20, 21, 22
March 2014:	13, 20, 29, 30, 31
April 2014:	1, 5, 8, 12, 16, 26, 27, 30
May 2014:	1, 2, 17, 23, 24, 25, 28
June 2014:	1, 4, 6, 14, 18, 26
July 2014:	3, 4, 5, 8, 9, 10, 14, 15, 16, 17, 24, 28, 29
August 2014:	2, 5, 13, 14, 22
September 2014:	3, 7, 14, 17, 21, 22

October 2014:	1, 2, 5, 8, 12, 16, 17, 23, 24
November 2014:	2, 7, 14, 17, 18, 24, 28
December 2014:	3, 6, 7, 17, 24, 25, 26
January 2015:	4, 5, 10, 12, 13, 19, 25, 27, 28
February 2015:	2, 15, 22
March 2015:	2, 3, 5, 6, 8, 9, 10, 15, 16, 22, 27
April 2015:	9, 10, 21
May 2015:	28
June 2015:	1, 2, 9, 13, 15, 16, 21, 22, 28
July 2015:	2, 5, 8, 10, 18, 29
August 2015:	5, 12, 16, 22, 24, 26
September 2015:	10, 11, 13, 14, 30
October 2015:	10, 29
November 2015:	12, 20, 29, 31
December 2015:	3, 23, 24, 2, 28, 29, 30, 31
January 2016:	11, 14, 17
February 2016:	4, 5, 6, 16, 17, 24, 25
March 2016:	2, 11, 15, 22, 29
April 2016:	2, 3, 5, 8, 12, 13, 23, 27
May 2016:	3, 7, 14, 20, 24
June 2016:	6, 12
July 2016:	2, 29
August 2016:	1, 2, 11, 13, 22

**EXHIBIT B**  
**TABLE OF GRAVES' VIOLATIONS**  
September 1, 2011 to the present

<u>Type of Violation</u>	<u>Quarter</u>	<u>Parameter</u>	<u>Beginning Date of Violation</u>	<u>Earliest End Date of Violation</u>
Unauthorized discharge of industrial material (sand and stone) into the Otter River	n/a	n/a	September 1, 2011	Present
Failure to Prepare and Implement a SWPPP	n/a	n/a	September 1, 2011	Present
Failure to Submit NOI to be Covered by the Permit	n/a	n/a	September 1, 2011	Present
Failure to Ensure that Discharges Will Not Violate Water Quality Standards	n/a	n/a	September 1, 2011	Present
Failure to Implement Adequate Control Measures	All	Nitrate plus Nitrite Nitrogen, TSS	September 1, 2011	Present
Failure to Report Results of Benchmark Monitoring	July-Sep 2011	Nitrate plus Nitrite Nitrogen, TSS	October 31, 2011	Present
Failure to Conduct Benchmark Monitoring	Oct-Dec 2011	Nitrate plus Nitrite Nitrogen, TSS	December 31, 2011	Present
Failure to Report Results of Benchmark Monitoring	Oct-Dec 2011	Nitrate plus Nitrite Nitrogen, TSS	January 31, 2012	Present
Failure to Conduct Benchmark Monitoring	Jan-Mar 2012	Nitrate plus Nitrite Nitrogen, TSS	March 31, 2012	Present
Failure to Report Results of Benchmark Monitoring	Jan-Mar 2012	Nitrate plus Nitrite Nitrogen, TSS	April 30, 2012	Present
Failure to Conduct Benchmark Monitoring	Apr-Jun 2012	Nitrate plus Nitrite Nitrogen, TSS	June 30, 2012	Present
Failure to Report Results of Benchmark Monitoring	Apr-Jun 2012	Nitrate plus Nitrite Nitrogen, TSS	July 31, 2012	Present
Failure to Conduct Benchmark Monitoring	Jul-Sep 2012	Nitrate plus Nitrite Nitrogen, TSS	September 30, 2012	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sep 2012	Nitrate plus Nitrite Nitrogen, TSS	October 31, 2012	Present
Failure to Conduct Benchmark Monitoring	Oct-Dec 2012	Nitrate plus Nitrite Nitrogen, TSS	December 31, 2012	Present
Failure to Report Results of Benchmark Monitoring	Oct-Dec 2012	Nitrate plus Nitrite Nitrogen, TSS	January 31, 2013	Present
Failure to Conduct Benchmark Monitoring	Jan-Mar 2013	Nitrate plus Nitrite Nitrogen, TSS	March 31, 2013	Present
Failure to Report Results of Benchmark Monitoring	Jan-Mar 2013	Nitrate plus Nitrite Nitrogen, TSS	April 30, 2013	Present
Failure to Conduct Benchmark Monitoring	Apr-Jun 2013	Nitrate plus Nitrite Nitrogen, TSS	June 30, 2013	Present
Failure to Report Results of Benchmark Monitoring	Apr-Jun 2013	Nitrate plus Nitrite Nitrogen, TSS	July 31, 2013	Present
Failure to Conduct Benchmark Monitoring	Jul-Sep 2013	Nitrate plus Nitrite Nitrogen, TSS	September 30, 2013	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sep 2013	Nitrate plus Nitrite Nitrogen, TSS	October 31, 2013	Present
Failure to Conduct Benchmark Monitoring	Oct-Dec 2013	Nitrate plus Nitrite Nitrogen, TSS	December 31, 2013	Present
Failure to Report Results of Benchmark Monitoring	Oct-Dec 2013	Nitrate plus Nitrite Nitrogen, TSS	January 31, 2014	Present
Failure to Conduct Benchmark Monitoring	Jan-Mar 2014	Nitrate plus Nitrite Nitrogen, TSS	March 31, 2014	Present
Failure to Report Results of Benchmark Monitoring	Jan-Mar 2014	Nitrate plus Nitrite Nitrogen, TSS	April 30, 2014	Present
Failure to Conduct Benchmark Monitoring	Apr-Jun 2014	Nitrate plus Nitrite Nitrogen, TSS	June 30, 2014	Present
Failure to Report Results of Benchmark Monitoring	Apr-Jun 2014	Nitrate plus Nitrite Nitrogen, TSS	July 31, 2014	Present

Failure to Conduct Benchmark Monitoring	Jul-Sep 2014	Nitrate plus Nitrite Nitrogen, TSS	September 30, 2014	Present
Failure to Report Results of Benchmark Monitoring	July-Sep 2014	Nitrate plus Nitrite Nitrogen, TSS	October 31, 2014	Present
Failure to Conduct Benchmark Monitoring	Oct-Dec 2014	Nitrate plus Nitrite Nitrogen, TSS	December 31, 2014	Present
Failure to Report Results of Benchmark Monitoring	Oct-Dec 2014	Nitrate plus Nitrite Nitrogen, TSS	January 31, 2015	Present
Failure to Conduct Benchmark Monitoring	Jan-Mar 2015	Nitrate plus Nitrite Nitrogen, TSS	March 31, 2015	Present
Failure to Report Results of Benchmark Monitoring	Jan-Mar 2015	Nitrate plus Nitrite Nitrogen, TSS	April 30, 2015	Present
Failure to Conduct Benchmark Monitoring	Apr-Jun 2015	Nitrate plus Nitrite Nitrogen, TSS	June 30, 2015	Present
Failure to Report Results of Benchmark Monitoring	Apr-Jun 2015	Nitrate plus Nitrite Nitrogen, TSS	July 31, 2015	Present
Failure to Conduct Benchmark Monitoring	Jul-Sep 2015	Nitrate plus Nitrite Nitrogen, TSS	September 30, 2015	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sep 2015	Nitrate plus Nitrite Nitrogen, TSS	October 31, 2015	Present
Failure to Conduct Benchmark Monitoring	Oct-Dec 2015	Nitrate plus Nitrite Nitrogen, TSS	December 31, 2015	Present
Failure to Report Results of Benchmark Monitoring	Oct-Dec 2015	Nitrate plus Nitrite Nitrogen, TSS	January 31, 2016	Present
Failure to Conduct Benchmark Monitoring	Jan-March 2016	Nitrate plus Nitrite Nitrogen, TSS	March 31, 2016	Present
Failure to Report Results of Benchmark Monitoring	Jan-March 2016	Nitrate plus Nitrite Nitrogen, TSS	April 30, 2016	Present
Failure to Conduct Benchmark Monitoring	Apr-Jun 2016	Nitrate plus Nitrite Nitrogen, TSS	June 30, 2016	Present
Failure to Report Results of Benchmark Monitoring	Apr-Jun 2016	Nitrate plus Nitrite Nitrogen, TSS	July 31, 2016	Present
Failure to Conduct Comprehensive Site Inspection	n/a	n/a	September 29, 2011	Present
Failure to Conduct Comprehensive Site Inspection	n/a	n/a	September 29, 2012	Present
Failure to Conduct Comprehensive Site Inspection	n/a	n/a	September 29, 2013	Present
Failure to Conduct Comprehensive Site Inspection	n/a	n/a	September 29, 2014	Present
Failure to Conduct Comprehensive Site Inspection	n/a	n/a	September 29, 2015	Present
Failure to Submit Annual Report	n/a	n/a	November 13, 2011	Present
Failure to Submit Annual Report	n/a	n/a	November 13, 2012	Present
Failure to Submit Annual Report	n/a	n/a	November 13, 2013	Present
Failure to Submit Annual Report	n/a	n/a	November 13, 2014	Present
Failure to Submit Annual Report	n/a	n/a	November 13, 2015	Present